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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14,15,17,18 and 20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-12, 14, 15, 17, 18 and 20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
        Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
        Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on February 14, 2008 has been entered.

Response to Amendment

Claims 1-12, 14, 15, 17, 18 and 20 are currently pending. Claims 1-10 have been

amended. Remarks and amendments are addressed hereinbelow.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shinichiroh Ohhashi et al (US 7023573 B2) in view of Yuval Ofek et al (US 7107395 BI), and

further in view of John Thorne et al (US 5958005).

Regarding claim 1, Ohhashi et al discloses a facsimile apparatus (Fig. 8 numeral 1; Col. 5

line 67) coupled to a telephone line network (Fig. 8 numeral 4 public line) and a local area

network (Fig. 8 numeral 6 LAN), comprising:

a facsimile communications mechanism configured to perform a facsimile

communications operation ("...the digital image forming device 1 according to the present

embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive

via the public line 4 a transmission request (polling transmission request) from the facsimile (an

external device, an external image receiving device) 2A so as to transmit image data via the

public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

a first storing mechanism configured to be inaccessible through the local area network

(Fig. 7 numeral 23 "Fourth memory". Inaccessibility shown from the connection of the fourth

memory to the control section 16 and the absence of a connection to the outside world);

a second storing mechanism configured to store image data representing a document

image, and to be accessible through the local area network (Fig. 7 numeral 20 "First memory".

Accessibility shown through the connection of the first memory to modules 15 "Email

sending/receiving section and module 14 "Fax sending/receiving section".);

a determining mechanism configured to determine whether the received document image

data is confidential ("... specific document judging means" at column 3 line 63) configured to

determine whether the received document image data is confidential ("... for judging whether or

not the document scanned by the image scanning section is a specific document" at column 3

line 64); and

Ohhashi et al fails to disclose wherein the first storing mechanism is configured to store

image data.

However, Ofek et al teaches a first storing mechanism configured to store data in a

primary storage (Fig. 8 numeral 80a Primary storage nodes. "In the embodiment of FIG. 8, each

host computer is coupled to a subset of primary storage nodes 82, for use as a main memory for

that host computer. For example, host computer 80a is coupled directly to primary storage node

82a" at column 14 line 18).

Given the <u>structure</u> of a first storing mechanism (memory) disclosed by Ohhashi et al and

the teachings of Ofek et al wherein the functionality is taught by a primary "storing mechanism"

being used to store data and a second "storing mechanism" being used for backup purposes, it

would have been obvious to one of ordinary skill in the art at the time the invention was made

for the apparatus as disclosed by Ohhashi et al wherein a plurality of memories are used to use a

memory for primary storage and a memory for backup of incoming image data. Data backup

and/or duplication in a storage device other than the primary storage device is widely practiced

in the art of image processing in case of hard drive failure and corruption. Although Ofek et al

does not teach the method of backing up data in a facsimile apparatus, the reference does teach

backing up data in a "computer related environment". **Known work in one field of endeavor**

may prompt variations of it for use in either the same field or a different one based on

design incentives or other market forces/market place incentives if the variations are predictable to one of ordinary skill in the art.

Ohhashi et al fails to disclose a backup arranging mechanism configured to store received document image data into the first storage mechanism and a copy of the received document data in the second storage mechanism.

However, Ofek et al teaches, in the same field of endeavor of providing dual memory backup storage for computer related file archiving, a backup arranging mechanism configured to store received document data into the first storage mechanism (Fig. 8 numeral 80a Primary storage nodes. "In the embodiment of FIG. 8, each host computer is coupled to a subset of primary storage nodes 82, for use as a main memory for that host computer. For example, host computer 80a is coupled directly to primary storage node 82a" at column 14 line 18) and a copy of the received document data in the second storage mechanism (Fig. 8 numeral 87 "The enterprise storage network 89 may also include a secondary storage node 87. The secondary storage node may be used for backup functions" at column 14 line 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the backup method as disclosed by Ofek of storing received document data into a primary storage and backing the data up to secondary storage into the apparatus and memory as disclosed by Ohhashi because corruption, hard drive failure, and data may mistakenly get erased on the primary drive.

Ohhashi fails to disclose a controlling mechanism configured to cause the backup arranging mechanism to cancel storing the copy of the received document image data into the

second storing mechanism when the received document data is determined as confidential by the determining mechanism.

Thorne, in the same field of endeavor of managing security of electronic documents ("This invention relates in general to methods and systems for managing the security of electronic documents stored in an interactive information handling system, and more particularly relates to the controlling of the confidentiality of electronic mail communications over networks" at column 1 line 4) teaches a controlling mechanism (computer software implemented) configured to cause the backup arranging mechanism to cancel storing the copy of the received document data into the second storing mechanism when the received document data is determined as confidential by the determining mechanism ("At 542 the system ascertains whether archiving has been enabled. If the response is negative archiving is disabled and the message archive icon and associated menu are deactivated. Archiving is inhibited" at column 10 line 21). The above apparatus can be configured to disable archiving or copying (shown in Fig. 3) when the confidential message flag is set.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means, as taught by Thorne, for canceling or disabling archiving of confidential messages in the apparatus as disclosed by Ohhashi to "provide a method for managing the retention of preselected data in a manner to effectuate the desired degree of security for designated information" (column 4 line 1, Thorne).

Regarding claim 4, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network as rejected in claim 1, comprising:

communicating means for performing a facsimile communications operation ("...the digital image forming device 1 according to the present embodiment is provided with a facsimile polling transmission mode, that is, the mode to receive via the public line 4 a transmission request (polling transmission request) from the facsimile (an external device, an external image receiving device) 2A so as to transmit image data via the public line 4 to the facsimile 2A in response to the transmission request" at column 11 line 29);

first storing means inaccessible through the local area network for storing image data representing a document image (see rejection of claim 1);

second storing means accessible through the local area network for storing image data (see rejection of claim 1);

backup arranging means for storing received document image data into the first storing means and a copy of the received document image data into the second storing means (see rejection of claim 1);

determining means ("... specific document judging means" at column 3 line 63) for determining whether the received document image data is confidential ("... for judging whether or not the document scanned by the image scanning section is a specific document" at column 3 line 64); and

controlling means for causing the backup arranging means to cancel storing the copy of the received document image data into the second storing means when the received document image data is determined as confidential by the determining means (see rejection of claim 1).

Regarding claim 7, Ohhashi et al discloses the method as performed by the apparatus as

rejected in claim 1 above.

4.   Claims 2, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shinichiroh Ohhashi et al (US 7023573 B2) in view of Yuval Ofek et al (US 7107395 B1).

Regarding claim 2, Ohhashi et al discloses a facsimile apparatus coupled to a telephone

line network and a local area network (see rejection of claim 1), comprising:

a facsimile communications mechanism configured to perform a facsimile

communications operation (see rejection of claim 1);

a first storing mechanism configured to store image data representing document image

and to be inaccessible through the local area network (see rejection of claim 1);

a second storing mechanism configured to store image data and to be accessible through

the local area network (see rejection of claim 1);

a backup arranging mechanism configured to store received document image data into the

first storing mechanism and a copy of the received document image data into the second storing

mechanism (see rejection and motivation of claim 1);

a determining mechanism ("... a specific image judging section" at column 3 line 63)

configured to determine whether the received document image data stored in the second storage

mechanism (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data

transmission request for transmitting the received document image data stored in the second

storage mechanism from an external terminal through the local area network ("...(ii) judging

whether or not the image data is specific image data; (iii) receiving a request for transmission of

the image data via-a communications network" column 4 line 35); and

a control mechanism (Fig. 7 numeral 16 "control section") configured to refuse the data

transmission request from the external terminal through the local area network when the received

document image data is determined as confidential by the determining mechanism ("... (iv)

transmitting the image data in response to the request for transmission of the image data,

wherein, in the step (iv), the transmission of the image data is controlled according to a result of

judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is

specific image data, the transmission of the image data is controlled (preferably, prohibited, or

restricted" at column 4 line 43).

Regarding claim 5, Ohhashi et al discloses a facsimile apparatus coupled to a telephone

line network and a local area network (see rejection of claim 1), comprising:

communicating means for performing a facsimile communications operation (see

rejection of claim 4);

first storing means inaccessible through the local area network for storing image data

representing a document image (see rejection of claim 4);

second storing means accessible through the local area network for storing image data

(see rejection of claim 4);

backup arranging means for storing received document image data into the first storing

means and a copy of the received document image data into the second storing means (see

rejection of claim 2 above);

determining means ("... a specific image judging section" at column 3 line 63) for

determining whether the received document image data stored in the second storing means (Fig.

7 numeral 20 "First memory") is confidential upon a receipt of a data transmission request for

transmitting the received document image data stored in the second storing means from an

external terminal through the local area network ("... (ii) judging whether or not the image data is

specific image data; (iii) receiving a request for transmission of the image data via a

communications network" column 4 line 35); and

controlling means (Fig. 7 numeral 16 "control section") for refusing the data transmission

request from the external terminal through the local area network when the received document

image data is determined as-confidential by the determining means ("... (iv) transmitting the

image data in response to the request for transmission of the image data, wherein, in the step (iv),

the transmission of the image data is controlled according to a result of judgment in the step (ii)"

at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the

transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4

line 43).

Regarding claim 8, Ohhashi et al discloses a communications method as performed by

the apparatus as rejected in claim 2 above.

5.   Claims 3, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ohhashi and Ofeki in view of Shell S. Simpson et al (US 20040036907 AI).

Regarding claim 3, Ohhashi et al discloses a facsimile apparatus coupled to a telephone

line network and a local area network (see rejection of claim 1), comprising:

facsimile communications mechanism configured to perform a facsimile communications

operation (see rejection of claim 1);

a first storing mechanism configured to store image data representing a document image

and to be inaccessible through the local area network (see rejection of claim 1);

a second storing mechanism configured to store image data and to be accessible through

the local area network (see rejection of claim 1);

a backup arranging mechanism configured to store received document image data into the

first storing mechanism and a copy of file received document image data into the second storing

mechanism (see rejection of claim 2);

a determining mechanism ("...a specific image judging section" at column 3 line 63)

configured to determine whether the received document image data stored in the second storage

mechanism (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data

transmission request for transmitting the received document image data stored in the second

storage mechanism from a web browser through the local area network ("... (ii) judging whether

or not the image data is specific image data; (iii) receiving a request for transmission of the

image data via a communication network" column 4 line 35. A communications network

encompasses the internet and therefore reads on an internet web browser);

a controlling mechanism (Fig. 7 numeral 16 "control section") configured to refuse the

data transmission request from the web browser through the local area network when the

received document image data is determined as confidential by the determining mechanism

("...(iv) transmitting the image data in response to the request for transmission of the image data,

wherein, in the step (iv), the transmission of the image data is controlled according to a result of

judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is

specific image data, the transmission of the image data is controlled (preferably, prohibited, or

restricted" at column 4 line 43).

Ohhashi et al fails to teach a web server mechanism configured to allow a web browser to

show received document data.

However, Simpson et al teaches, in the same field of endeavor of controlling inbound

facsimile transmissions ("The present invention relates to a system and methods for storing

facsimile messages for later use" at paragraph [1], Simpson), a web server ("This is particularly

powerful when using web applications (applications running on a server that exposes their user

interface through web pages)" at paragraph [20], Simpson) configured to allow a web browser to

show received document data ("In other instances, facsimile messages are sent via e-mail or are

deposited in a web-based repository associated with a domain name" at paragraph [24].

"Facsimile messages stored by web-based repositories are usually stored as image files for

facilitating viewing with a web-browser'" at paragraph [24]).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to incorporate the teachings of Simpson where the images are deposited into a web

server to allow viewing of documents from a web browser with the apparatus and method

disclosed by Ohhashi et al of secure facsimile document reception and transmission because the web browser has emerged as a universal messaging client and would appeal to a greater user base.

Regarding claim 6, Ohhashi et al discloses a facsimile apparatus coupled to a telephone line network and a local area network, comprising:

communicating means for performing a facsimile communications operation (see rejection of claim 4);

web server means for allowing a web browser to show received document data (see rejection of claim 3);

first storing means inaccessible through the local area network for storing image data representing a document image (see rejection of claim 1);

second storing means accessible through the local area network for storing image data (see rejection of claim 1);

backup arranging means for storing received document image data into the first storing means and a copy of the received document image data into the second storing means (see rejection of claim 4);

determining means for determining whether the received document image data stored in the second storing means is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second storing means from a web browser through the local area network (see rejection of claim 4); and

controlling means for refusing the data transmission request from the web browser

through the local area network when the received document image data is determined as

confidential by the determining means (see rejection of claim 4).

Regarding claim 9, Ohhashi et al discloses a communications method as performed by

the apparatus as rejected in claim 3.

4.   Claims 10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ohhashi et al, Ofek et al and Simpson et al as applied to claim 9 above, and further in view of

well-known principles in the art of image processing.

Regarding claim 10, Ohhashi et al discloses a communications method for a facsimile

apparatus coupled to a telephone line network and a local area network as rejected in claim 9

above.

Ohhashi et al fails to teach a computer readable data recording medium storing a program

which causes a computer to execute operations according to the communications method for a

facsimile apparatus stated and rejected above in claim 9.

However, it is clear from the disclosure of the reference that the method is carried out by

an image processing apparatus and is thus computer (processor/software) implemented. It is well

known in the image processing arts that a computer implemented method performed by an

apparatus must contain a program residing on a "computer readable data recording" medium in

order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to utilize, a computer readable data recording medium which stores the program for

performing the above method as rejected in claim 9, in the invention disclosed by the Ohhashi et

al to make the apparatus operational in carrying out the above methods.

Regarding claim 17, Ohhashi et al discloses a machine readable medium embodying a

program of instructions executable by the machine (see rejection of claim 10) to perform the

method as rejected in claim 9.

Regarding claim 18, Ohhashi et al discloses a computer system, comprising:

a processor (There must exist a processor which carries out the processes described

throughout the reference. (e.g., "...the following will explain operational processes in the digital

image forming device according to the present embodiment in the case where a request for image

data transmission is sent from an external device, such as the computer 3B or the like, via the

Internet 5 and the LAN 6" at column 24 line 19, Ohhashi)); and

a program storage device readable by the computer system, tangibly embodying a

program of instructions executable by the processor to perform the method claimed in claim 9

(see rejection of claim 10).

5.   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ohhashi et al, Ofek et al and Thorne et al as applied to claim 7 above, and further in view of

well-known principles in the art of image processing.

Regarding claim 11, Ohhashi et al discloses the method claimed in claim 7.

Ohhashi et al fails to disclose a machine readable medium embodying a program of instructions executable by the machine to perform the method as rejected above.

It is clear from the disclosure of the reference that the method is carried out by an image processing apparatus and is thus computer implemented. It is well known in the image processing art that a computer implemented method performed by an apparatus must contain a "program" residing on a "computer readable "data recording" medium in order for the apparatus to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a computer readable data recording medium which stores the program for performing the above method as rejected in claim 7, in the invention disclosed by Ohhashi et al to make the apparatus operational in carrying out the above methods.

Regarding claim 12, Ohhashi et al discloses a computer system (facsimile device as rejected in claim 1 above is a "computing system"), comprising:

a processor (There must exist a processor to control and implement the "processes" described in the rejection of claim 7 above) ; and

a program storage device readable by the computer system, tangibly embodying a program of instructions executable by the processor (see rejection of claim 11) to perform the method as rejected in claim 7.

6.   Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ohhashi et al and Ofek et al as applied to claim 8 above, and further in view of well-known

principles in the art of image processing.

Regarding claim 14, Ohhashi et al discloses the method as rejected in claim 8 above.

Ohhashi et al fails to disclose a machine readable medium embodying a program of

instructions executable by the machine to perform the method as rejected above.

It is clear from the disclosure of the reference that the method is carried out by an image

processing apparatus and is thus computer implemented. It is well known in the image

processing art that a computer implemented method performed by an apparatus must contain a

"program" residing on a "computer readable "data recording" medium in order for the apparatus

to be operational. (Official Notice)

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to utilize a computer readable data recording medium which stores the program for

performing the above method as rejected in claim 8, in the invention disclosed by Ohhashi et al

to make the apparatus operational in carrying out the above methods

Regarding claim 15, Ohhashi et al discloses a computer system (Fig. 1 numeral 1),

comprising:

a processor (Processor which carries out the processes described throughout the

reference. "...the following will explain operational processes in the digital image forming

device according to the present embodiment in the case where a request for image data

transmission is sent from an external device, such as the computer 3B or the like, via the Internet

5 and the LAN 6" at column 24 line 19, Ohhashi); and

the program storage device as rejected in claim 14.

7.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al,

Ofek et al, and Thorne et al as applied to claim 1 above, and further in view of Stephen Larry

McBride (US 6757698 B2).

Regarding claim 20, Ohhashi et al discloses the facsimile apparatus as rejected in claim 1.

Ohhashi et al fails to disclose or fairly suggest wherein said backup mechanism checks

contents of the first and second storing mechanism, and if one of the first and second storing

mechanisms includes non-confidential contents that are not in the other of the first and second

storing mechanisms, said backup mechanism duplicates the non-confidential contents of the one

of the first and second storing mechanisms to the other of the first and second storing

mechanisms.

McBride, in the same field of endeavor of electronic data backup, teaches a backup

mechanism checks contents of the first and second storing mechanism ("... a mirroring agent

application running at each node periodically checks predetermined files and/or data to

determine whether such files/data have changed. Upon the agent at the node finding that a

file/data has changed, the agent commences to check with agents at other pre-determined nodes

to see whether the file/data needs to be updated at the other nodes" at column 14 line 65), and if

one of the first and second storing mechanisms includes non-confidential contents (which is

already determined by the teachings of Thorne et al in claim 1 rejection above; only non-

confidential data is configured to be copied or archived) that are not in the other of the first and

second storing mechanism, said backup mechanism duplicates the non-confidential contents of

the one of the first and second storing mechanisms to the other of the first and second storing

mechanisms ("... communicate with the B agent to determine if the B node (305) contains a

version of the data different from that stored on the A node (306); if so, determine along with the

B agent which version is more current; and assuming the A version is more current, send the A

version to B, upon which B appropriately updates the B version of the file/data in storage (312)

with the data received from node A (306)" at column 15 line 16).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to implement the method as taught by McBride of checking the contents of a storage

device with the contents of a backup device to synchronize the memory devices with the backup

mechanism as taught by Ohhashi et al in which non-confidential data is backed up to a remote

publicly accessible storage unit because it would keep the data contained in both storage

locations synchronized and updated.

Response to Arguments

4.   Applicant's arguments, see remarks, filed February 14, 2008, with respect to the

rejection(s) of claim(s) 1-10 under 35 U.S.C. 103(a) have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration,

a new ground(s) of rejection is made in view of Ofek et al (see rejection of claim 1), pertaining to

the argument that "the memory 23 in Fig. 7 of Ohhashi et al does not store image data". The first

storing mechanism/means as disclosed by Ohhashi et al is now used for structural purposes and

would be obvious to one of ordinary skill in the art given the teachings of Ofek et al to utilize the

memory as a primary storage of image data. Consequently, the contents stored in the first

memory would be duplicated in the second memory.

5.   Applicant's arguments filed February 14, 2008 have been fully considered but they are

not persuasive.

Applicant's remark: Ohhashi does not otherwise render obvious the claimed subject matter

since Ohhashi is not concerned with determining whether the received document image data is

confidential.

Examiner's response: Ohhashi et al discloses determining whether the received document

image data is confidential (Col. 3 line 64 as rejected in claim 1 above). Ohhashi clearly discloses

specific documents including "those, copying of which is strictly prohibited... [such as] official

documents.., and.., secret documents" (at Col. 15 lines 12-17, Ohhashi). Therefore, Ohhashi

discloses a determining mechanism configured to determine whether the received document

image data is confidential. Although forged documents, such as paper money and valuable

securities, are certain types of documents which are disclosed within the reference, Ohhashi also

makes mention of "secret documents" which are clearly confidential.

Applicant's remark: Ofek does not disclose or suggest a first storing mechanism configured to store image data representing a document image and to be inaccessible through the LAN and does not make a determination as to whether the stored data is confidential, in the process of making the stored data for backup. Ofek also is not concerned with whether specific stored image data is confidential.

Examiner's response: Ohhashi et al, as provided in the new grounds of rejection of claim 1 above, discloses a first storing mechanism configured to store image data representing a document image and to be inaccessible through the LAN. A secondary reference modifies a primary reference when the primary reference is deficient in providing claimed subject matter. The subject matter is provided in the primary reference, therefore Ofek does not have to disclose or suggest the subject matter regarding a first storing mechanism configured to store image data and to be inaccessible through the local area network.

The determination is made in the primary reference (Col. 3 line 64 as rejected in claim 1, Ohhashi et al) whether documents are to be "copied". Confidential (secret) documents are prohibited from being copied (Col. 4 line 43, Ohhashi et al), including physically duplicating the contents and storing the duplicated copy elsewhere.

Applicant's remark: The archiving function proposed in Thorne, Fig. 3, is not contingent on the message being not confidential. Further, Thorne does not disclose or suggest if an archive command is specified by the user, a determination of whether the message is confidential is made before the message is archived. Thorne also does not disclose or suggest a first storing

mechanism configured to store image data representing a document image and to be inaccessible

through the local area network.

Examiner's response: All functionality is present within the cited Fig. of the prior art of record.

It would have been obvious to one of ordinary skill in the art at the time the invention was made

as stated in the rejection of claim 1 for the documents which have the "confidential header"

applied in step 308 of Fig. 3 (Thorne et al) to prohibit "copying" in step 314 and/or prohibit

"archiving" in step 320. Either of the two results could be ascertained by one of ordinary skill in

the art from the previous determination of whether the document has the "confidential" header.

The first storing mechanism is structurally disclosed by Ohhashi and the intended use

provided by Ofek as rejected in claim 1 above.

Applicant's remark: Simpson does not disclose or suggest a first storing mechanism configured

to store image data representing a document image and to be inaccessible through the local area

network. In addition, the system proposed by Simpson does not make a determination regarding

whether the facsimile message includes confidential data or not.

Examiner's response: Simpson is provided as a secondary reference to merely teach a web

server ("This is particularly powerful when using web applications (applications running on a

server that exposes their user interface through web pages)" at paragraph [20], Simpson)

configured to allow a web browser to show received document data ("In other instances,

facsimile messages are sent via e-mail or are deposited in a web-based repository associated with

a domain name" at paragraph [24]. "Facsimile messages stored by web-based repositories are

usually stored as image files for facilitating viewing with a web-browser'" at paragraph [24]).

The claimed subject matter argued is met by other references previously explained.

Applicant's remark: McBride does not disclose or suggest a first storing mechanism

configured to store image data representing a document image and to be inaccessible through the

local area network. In addition, the apparatus proposed by McBride does not make a

determination regarding whether the data to be backed-up includes confidential data or not.

Examiner's response: McBride is provided as a secondary reference to merely teach checking

and synchronizing the contents of two storage memories as rejected in claim 20 above. The

claimed subject matter argued is met by other references previously explained.

Applicant's remark: The cited references fail to teach or suggest determining whether the

received document image data stored in the second storing mechanism is confidential upon a

receipt of a data transmission request for transmitting the received document image data stored in

the second storing mechanism, and refusing the data transmission request when the received

document image data is determined as confidential, as provided by the subject matter of claim 2

and 3.

Examiner's response: As provided in the rejection of claims 2 and 3 above, the cited references disclose determining whether the received document image data stored in the second storage mechanism (Fig. 7 numeral 20 "First memory") is confidential upon a receipt of a data transmission request for transmitting the received document image data stored in the second storage mechanism from an external terminal through the local area network ("...(ii) judging whether or not the image data is specific image data; (iii) receiving a request for transmission of the image data via-a communications network" column 4 line 35) and refusing the data transmission request when the received document image data is determined as confidential ("... (iv) transmitting the image data in response to the request for transmission of the image data, wherein, in the step (iv), the transmission of the image data is controlled according to a result of judgment in the step (ii)" at column 4 line 38. "...when it is judged that the inputted image data is specific image data, the transmission of the image data is controlled (preferably, prohibited, or restricted" at column 4 line 43).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARES WASHINGTON whose telephone number is (571)270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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